

111TH CONGRESS  
1ST SESSION

# H. R. 3125

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2009

Mr. WAXMAN (for himself, Mr. BOUCHER, Mr. BARTON of Texas, Mr. STEARNS, Mr. DINGELL, Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. SPACE, Mr. MCNERNEY, Mr. INSLEE, Ms. ESHOO, Ms. MATSUI, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BUYER, Mr. WELCH, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Radio Spectrum Inven-  
5 tory Act”.

1 **SEC. 2. SPECTRUM INVENTORY.**

2 Part B of title I of the National Telecommunications  
3 and Information Administration Organization Act (47  
4 U.S.C. 921 et seq.) is amended by adding at the end the  
5 following:

6 **“SEC. 119. SPECTRUM INVENTORY.**

7 “(a) RADIO SPECTRUM INVENTORY.—In order to  
8 promote the efficient use of the electromagnetic spectrum,  
9 the NTIA and the Commission shall coordinate and carry  
10 out each of the following activities not later than 180 days  
11 after the date of enactment of this section:

12 “(1) Create an inventory of each radio spec-  
13 trum band of frequencies used in the United States  
14 Table of Frequency Allocations, from 225 megahertz  
15 to 10 gigahertz, that includes—

16 “(A) the radio services authorized to oper-  
17 ate in each band of frequencies;

18 “(B) the identity of each Federal or non-  
19 Federal user within each such radio service au-  
20 thorized to operate in each band of frequencies;

21 “(C) the total amount of spectrum, by  
22 band of frequencies, allocated to each Federal  
23 or non-Federal user (in percentage terms and  
24 in sum) and the geographic areas covered by  
25 their respective allocations;

1           “(D) the approximate number of transmit-  
2           ters, repeaters, end-user terminals or receivers,  
3           or other radio frequency devices authorized to  
4           operate, as appropriate to characterize the ex-  
5           tent of use of each radio service in each band  
6           of frequencies;

7           “(E) an approximation of the extent to  
8           which each Federal or non-Federal user is  
9           using, by geography, each band of frequencies,  
10          such as the amount and percentage of time of  
11          use, number of end users, or other measures as  
12          appropriate to the particular band and radio  
13          service;

14          “(F) for non-Federal users, any commer-  
15          cial names under which facilities-based service  
16          is offered to the public using the spectrum of  
17          the non-Federal user, including where the spec-  
18          trum is being offered via resale and under what  
19          commercial names; and

20          “(G) to the greatest extent possible—

21                 “(i) contour maps or other informa-  
22                 tion that illustrate the coverage area, re-  
23                 ceiver performance, and other parameters  
24                 relevant to an assessment of the avail-  
25                 ability of spectrum in each band; and

1 “(ii) for each band or range of fre-  
2 quencies, the identity of each entity offer-  
3 ing unlicensed services and the types and  
4 approximate number of unlicensed inten-  
5 tional radiators verified or certified by the  
6 Commission that are authorized to operate.

7 “(2) Create a centralized portal or website to  
8 make the inventory of the bands of frequencies avail-  
9 able to the public via an Internet-accessible website.

10 “(b) USE OF AGENCY RESOURCES.—In creating the  
11 inventory described in subsection (a)(1), the NTIA and  
12 the Commission shall first use agency resources, including  
13 existing databases, field testing, and recordkeeping sys-  
14 tems, and only request information from Federal and non-  
15 Federal users if such information cannot be obtained  
16 using such agency resources.

17 “(c) REPORTS.—Not later than 1 year after the date  
18 of enactment of this section and annually thereafter, the  
19 NTIA and the Commission shall each submit a report to  
20 the Committee on Commerce, Science, and Transportation  
21 of the Senate and to the Committee on Energy and Com-  
22 merce of the House of Representatives containing—

23 “(1) the results of the inventory created under  
24 subsection (a)(1);

1           “(2) a description of any information the NTIA  
2           or the Commission determines is necessary for such  
3           inventory but that is unavailable;

4           “(3) a description of any information not pro-  
5           vided by any Federal or non-Federal user in accord-  
6           ance with subsection (e);

7           “(4) an identification, by relevant geographic  
8           area, of the least utilized blocks of spectrum inven-  
9           toried, with blocks identified in every market of the  
10          United States either individually or as part of re-  
11          gional or nationwide blocks, and an explanation of  
12          the basis for that identification; and

13          “(5) a recommendation of which, if any, of such  
14          spectrum identified under paragraph (4) the Federal  
15          Government should reallocate and an explanation of  
16          the basis for that recommendation.

17          “(d) MAINTENANCE AND UPDATING OF INFORMA-  
18          TION.—After the creation of the inventory required by  
19          subsection (a)(1), the NTIA and the Commission shall  
20          make all efforts necessary to maintain and update the in-  
21          formation required under such subsection in near real-  
22          time fashion and whenever there is a transfer or auction  
23          of a license or a change in an allocation or assignment.

24          “(e) NATIONAL SECURITY.—

1           “(1) COMPLIANCE.—In complying with sub-  
2           section (a)(1), a Federal or non-Federal user shall  
3           make a certification to the NTIA or the Commission  
4           that the information—

5                       “(A) is accurate; and

6                       “(B) is as comprehensive, extensive, and  
7           complete as possible without harming the na-  
8           tional security of the United States.

9           “(2) REPORTING OF WITHHELD INFORMATION  
10          TO CONGRESS.—Any information that is excluded  
11          from public disclosure pursuant to this subsection  
12          shall still be compiled and reported to the Commit-  
13          tees of Congress described in subsection (c) on a  
14          confidential basis.

15          “(f) PROPRIETARY INFORMATION.—In creating and  
16          maintaining the inventory, centralized portal or website,  
17          and reports under this section, the NTIA and the Commis-  
18          sion shall follow their rules and practice regarding con-  
19          fidential and proprietary information.”.

○